

## Message Text

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ACTION EUR-12

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R 150826Z JUL 78  
FM AMEMBASSY MADRID  
TO SECSTATE WASHDC 5359  
INFO AMCONSUL BORDEAUX  
AMEMBASSY BONN  
AMEMBASSY BRUSSELS  
AMEMBASSY LISBON  
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E.O. 11652: N.A.  
TAGS: PINT, SP  
SUBJECT: THE BASQUES, THE VIOLENCE AND THE CONSTITUTION

REF: MADRID 7963

1. SUMMARY: THE MOST RECENT VIOLENCE IN THE BASQUE  
REGION, WHILE HARDLY UNPRECEDENTED, IS NEVERTHELESS  
DEEPLY DISQUIETING BECAUSE IT COMES AT A SENSITIVE  
JUNCTURE IN THE SPANISH TRANSITION -- CONGRESSIONAL  
CONSIDERATION OF THE CONSTITUTION -- AND AFTER IT WAS  
HOPED THAT THE BOOK HAD BEEN CLOSED ON STREET DIS-  
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TURBANCE-POLICE OVERREACTION CYCLES OF VIOLENCE IN  
THE REGION. THIS OBVIOUSLY WILL CONDITION NEGOTIATIONS  
WITH THE BASQUE PNV, WHOSE SUPPORT IS SO IMPORTANT, ON  
THE AUTONOMY PROVISIONS OF THE CONSTITUTION, BUT WITH  
CROSS-CUTTING EFFECT. WHILE TENDING TO HARDEN POSITIONS,  
PARTICULARLY THE PNV'S, EVENTS OF THE LAST WEEK ALSO HAVE  
DRAMATICALLY DEMONSTRATED ONCE AGAIN THE ULTIMATE STAKES

INVOLVED IN THE AUTONOMY NEGOTIATION, AND CONSEQUENTLY MIGHT MADE A BREAKTHROUGH EASIER. MUCH WILL DEPEND ON THE ABILITY OF THE GOVT AND THE MAJOR PARTIES TO MAKE WHAT THE BASQUES PERCEIVE TO BE MEANINGFUL CONCESSIONS, WITHOUT IN THE PROCESS LEAVING A TROUBLESOME CONSTITUTIONAL LOOSE END DANGLING, OR RAISING CRIES OF ALARM FROM THE RIGHT THAT THE DOOR HAS BEEN LEFT OPEN TO THE DISINTEGRATION OF THE SPANISH STATE. END SUMMARY.

2. THE FACT THAT THE MOST RECENT CYCLE OF BASQUE VIOLENCE WAS SPARKED IN PAMPLONA, DURING THE HEAVILY TOURIST-POPULATED SAN FERMIN FESTIVAL, HAS LED TO RELATIVELY HEAVY FOREIGN PRESS ATTENTION THAT MAY HAVE CREATED THE IMPRESSION THAT THESE BASQUE TROUBLES REPRESENT AN UNPRECEDENTED DETERIORATION OF THE SITUATION IN REGION. IN FACT, THIS IS NOT THE CASE. VIOLENCE HAS UNFORTUNATELY BECOME ALL TOO MUCH A PART OF THE BASQUE POLITICAL LANDSCAPE. DURING THE TENSE RUN-UP TO ELECTIONS IN MAY 1977, FOR EXAMPLE, 5 WERE KILLED IN WIDESPREAD VIOLENCE DURING A WEEK OF PRO-AMNESTY DEMONSTRATIONS IN THE REGION WHICH EXCEEDED IN VIOLENCE THAT WHICH HAS RECENTLY TAKEN PLACE. (SEE MADRID 77-3960, 77-3855 AND PREVIOUS).

3. IT IS MORE THAT THE VIOLENCE HAS COME AT THIS PARTICULAR JUNCTURE -- AFTER LAST FALL'S POLITICAL AMNESTY HAD HOPEFULLY CLOSED THE BOOK ON SERIOUS STREET LIMITED OFFICIAL USE

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DISTURBANCES AND DURING CONSIDERATION OF THE CONSTITUTION-- AND IN THIS MANNER -- WITH THE POLICE REVERTING TO OLD, HARD-LINE HABITS AFTER APPARENTLY HAVING PROGRESSED CONSIDERABLY -- THAT IS DISQUIETING. IT HAS LONG BEEN OBVIOUS THAT THERE IS NO SHORT-TERM SOLUTION TO BASQUE TERRORISM. BUT IT WAS GENERALLY BELIEVED -- AND HOPED-- THAT THE AMNESTY HAD REMOVED THE LAST POLITICAL ISSUE AROUND WHICH LARGE-SCALE STREET DISORDERS COULD OCCUR AND THAT THE INCREASING SOPHISTICATION AND RESTRAINT OF THE PUBLIC ORDER FORCES HAD ELIMINATED THE CATALYST WITHOUT WHICH VIOLENCE WOULD BE LESS LIKELY TO PERSIST AND SPREAD. BUT THE EVENTS OF THE PAST FEW DAYS IN PAMPLONA AND SAN SEBASTIAN HAVE DEMONSTRATED ONCE AGAIN THAT RADICAL BASQUE ELEMENTS CONTINUE TO STAND READY TO PROVOKE THE POLICE, AND THAT THE POLICE STILL ARE NOT UP TO THE TASK OF RESISTING SUCH PROVOCATIONS.

4. THE MOST DANGEROUS ASPECT OF THIS VIOLENCE IS THE POSSIBILITY THAT IT WILL CAUSE LEADERS ON BOTH SIDES OF THE AUTONOMY ISSUE, PARTICULARLY OF THE BASQUE PNV AND IN THE GOVT, TO LOSE PATIENCE, NERVE AND POLITICAL VISION. THE EVENTUAL SOLUTION OF THE BASQUE PROBLEM CONTINUES TO

DEPEND ON STATESMANSHIP, COMPROMISE AND BASIC POLITICAL  
AGREEMENT, NOT ON THE APPLICATION OF FORCE OR THE ISSUING  
OF THREATENING ULTIMATUMS. IN PARTICULAR, THE PATH TO  
EVENTUAL "PACIFICATION," WHICH WILL BE NO EASY MATTER  
UNDER THE BEST OF CIRCUMSTANCES, RUNS THROUGH AGREEMENT  
ON THE BASIC RULES OF THE AUTONOMY GAME TO BE ESTABLISHED  
BY THE CONSTITUTION, AND THE PROVISIONS OF THE AUTONOMY  
STATUTE FOR THE BASQUE REGION THAT GROWS OUT OF IT. AND  
IT IS A HOPEFUL SIGN IN THIS REGARD THAT, IN SPITE OF  
CONTINUING TENSIONS IN THE BASQUE COUNTRY AND A RESULTING  
HARDENING OF THE PNV'S POSITION, THE GOVT HAS STEPPED UP  
EFFORTS TO REACH A MEETING OF THE MINDS WITH THE PNV. TO  
THEIR CREDIT, SUAREZ, ABRIL AND MARTIN VILLA DO NOT  
APPEAR TO HAVE LOST THEIR NERVE OR SIGHT OF THE GOAL:  
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THE CONSOLIDATION OF SPANISH DEMOCRACY, WHICH DEPENDS IN PART ON REACHING AN UNDERSTANDING WITH RESPONSIBLE BASQUE LEADERS ON THE AUTONOMY QUESTION WHICH WILL EVENTUALLY BRING PEACE TO THE REGION THROUGH THE ISOLATION OF BASQUE TERRORISTS, AND THEREBY ELIMINATE ONE OF THE DANGERS TO SPANISH POLITICAL STABILITY GENERALLY.

5. THE PNV IS THE CRUCIAL ELEMENT IN THIS EQUATION, SINCE IT REPRESENTS THE VAST MAJORITY OF THE ETHNICALLY BASQUE POLITICAL CONSTITUENCY OF THE REGION, PARTICULARLY IN THE MORE CONFLICTIVE PROVINCES OF GUIPUZCOA AND VIZCAYA. IT IS PRECISELY THIS CONSTITUENCY THAT, WITH THE EXCEPTION LIMITED OFFICIAL USE

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OF THE RADICAL BASQUE LEFT, FEELS MOST INTENSELY THE AUTONOMY ISSUE. CONSEQUENTLY, JUST AS THE NECESSARY CONSTITUTIONAL CONSENSUS GENERALLY WAS NOT POSSIBLE WITHOUT THE LEFT, "CONSENSUS" WITH REGARD TO THE CONSTITUTION'S AUTONOMY PROVISIONS DOES NOT REALLY EXIST WITHOUT THE PNV. IF THE PNV CAN BE BROUGHT ACTIVELY TO SUPPORT THE CONSTITUTION, THIS WILL CONSTITUTE AN EXTREMELY IMPORTANT STEP TOWARD EVENTUALLY BRINGING PEACE TO THE REGION; IF THE PNV OPPOSES THE CONSTITUTION, OR SITS ON ITS HANDS, AN IRRETRIEVABLE OPPORTUNITY WILL HAVE BEEN LOST AND THE OUTLOOK FOR THE REGION WILL BE CLOUDED.

6. BUT THE PNV LEADERSHIP IS CAUGHT BETWEEN:

-- ON THE ONE HAND, THE DESIRE IN PRINCIPLE TO SUPPORT THE CONSTITUTION, TOGETHER WITH THE FULL REALIZATION OF THE POSSIBLE POLITICAL COSTS, IN THE BASQUE REGION AND IN SPAIN GENERALLY, THAT COULD ATTEND ANY REFUSAL ON ITS PART TO DO SO; AND

-- ON THE OTHER, ITS COMMITMENT TO CERTAIN PRINCIPLES, , SUCH AS BASQUE NATIONHOOD AND "SOVEREIGNTY," THAT MAKE COMPROMISE WITH THE GOVT AND NATIONAL PARTIES EXTREMELY DIFFICULT, COMBINED WITH ITS FEAR OF INCURSIONS BY THE BASQUE NATIONALIST LEFT ON ITS ELECTORAL CONSTITUENCY IF IT IS NOT PERCEIVED TO STAND FIRM IN DEFENSE OF ITS CREDENTIALS AS THE PALADIN OF BASQUE RIGHTS AND THE LEADING EDGE OF BASQUE NATIONALISM.

WHILE PUBLICLY GRUMBLING ABOUT THE AUTONOMY PROVISIONS OF THE CONSTITUTION, PARTICULARLY IN THE WAKE OF THE MOST RECENT WAVE OF BASQUE VIOLENCE, PNV CHIEFS HAVE THUS FAR BEEN CAREFUL NOT TO BACK THEMSELVES COMPLETELY INTO A CORNER ON THE ISSUE. THERE STILL IS TIME FOR FURTHER

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CONCESSIONS ON BOTH SIDES, AND A WILL TO COMPROMISE EXISTS. BUT THE SUBSTANTIVE LIMITS ON SUCH COMPROMISE ALSO ARE QUITE NARROW, AND THE OUTCOME, AS A RESULT, IS PROBLEMATICAL.

7. THE GOVT AND MAJORITY PARTIES HAVE EXHIBITED GREAT SENSITIVITY TO THE NEED TO FIND COMMON GROUND, PARTICULARLY ON THOSE CONSTITUTIONAL ISSUES WHERE FEELINGS ARE MOST INTENSE. WHEN SUBSTANTIVE COMPROMISE HAS PROVED IMPOSSIBLE, THEY HAVE FINESSED THE CONFLICTIVE ISSUES BY PAPERING OVER DIFFERENCES IN THE CONSTITUTIONAL TEXT AND PROVIDING FOR FURTHER ENABLING LEGISLATION, SO THE DEBATE CAN BE JOINED IN THE PROCESS OF NORMAL LAW-MAKING, RATHER THAN IN THE CONSTITUTIONAL CONTEXT. BUT THE BASQUE PROBLEM IS NOT EASILY SUSCEPTIBLE TO THIS APPROACH, SINCE THE COMPETING CONSTITUTIONAL CONCEPTS AT ISSUE ARE POLITICALLY AND EMOTIONALLY CHARGED. MOREOVER, IT IS PRECISELY TO ENSURE THAT THE ENABLING LEGISLATION -- IN THIS CASE THE AUTONOMY STATUTE -- CAN BE BROAD ENOUGH TO LIVE UP TO BASQUE EXPECTATIONS THAT THE PNV IS INSISTING ON THE INCLUSION IN THE CONSTITUTION ITSELF OF ITS DESIRED FORMULATION ON THE RECOGNITION AND GUARANTEE OF THE BASQUE REGION'S HISTORIC RIGHTS, OR AT LEAST WITH REGARD TO SPECIFIC POWERS TO BE TRANSFERRED TO THE REGIONS.

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8. ALTHOUGH MEETINGS WITH THE PNV WERE CERTAIN TO BEGIN SOON, SINCE THE CONGRESS OF DEPUTIES HAS NOW APPROVED 121 ARTICLES OF THE DRAFT CONSTITUTION AND IS CLOSING IN ON THE AUTONOMY PROVISIONS, RECENT EVENTS IN THE BASQUE COUNTRY PRECIPITATED A FLURRY OF PRIVATE SESSIONS JULY 13. DURING THE DAY AND WELL INTO THE NIGHT, PNV CHIEF MET SEPARATELY WITH PSOE LEADERS AND GOVT/UCD NOTABLES, LED BY SECOND VICE PRESIDENT FERNANDO ABRIL.

-- THE BASQUES REPORTEDLY DEPARTED SATISFIED FROM A SESSION WITH PSOE LEADERS IN WHICH DISCUSSION CENTERED ON THE POSSIBILITY OF "IMPLICITLY" PROVIDING IN THE ARTICLE LIMITED OFFICIAL USE

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DEALING WITH POWERS RESERVED TO THE CENTRAL GOVT (ART. 143) FOR THE TRANSFERENCE OF CERTAIN ADDITIONAL AUTHORITY TO THE REGIONS. THESE ADDITIONAL TRANSFERRED POWERS, WHICH ARE NOT PROVIDED FOR IN THE CURRENT DRAFT, WOULD RELATE TO THE ADMINISTRATION OF JUSTICE; MERCANTILE, PENAL, CIVIL AND LABOR LEGISLATION; LEGISLATION CONCERNING INTELLECTUAL AND INDUSTRIAL PROPERTY; MARITIME FISHING; BASIC LEGISLATION CONCERNING MOUNTAINS AND FORESTS; AND AUTHORIZATION TO CONVOKE POPULAR CONSULTATIONS (ART. 143, SUBPARAGRAPHS 5, 6, 7, 8, 9, 18, 22, AND 30).

-- THESE TRANSFERENCES, HOWEVER, REPORTEDLY WERE NOT DISCUSSED IN A LATER MEETING WITH ABRIL, FROM WHICH PNV LEADER JAVIER ARZALLUZ EMERGED GRUMBLING THAT "UNDER THESE CIRCUMSTANCES IT WILL BE VERY DIFFICULT FOR US TO SUPPORT A "YES" ON THE CONSTITUTION." BUT THE CHARACTERISTICALLY COOL ABRIL WAS NOT PESSIMISTIC, PORTRAYING THE SESSION AS A PRELIMINARY EXCHANGE OF VIEWS AND IMPLYING THAT MORE MEETINGS WOULD FOLLOW. AND THE REMARKS BY INTERIOR MINISTER MARTIN VILLA IN A JULY 13 PRESS CONFERENCE IN SUPPORT OF AN "ACCELERATION" OF DEVOLUTION AND FAVORING AN ETHNICALLY BASQUE PUBLIC ORDER FORCE IN THE REGION MUST HAVE BEEN BALM FOR THE PNV (SEPTEL).

9. THE PACKAGE OF TRANSFERENCES REPORTEDLY DISCUSSED BY THE PNV AND PSOE IS A VERY TALL ORDER, AND ONE WHICH IT WILL BE DIFFICULT, IF NOT IMPOSSIBLE, FOR THE GOVT TO ACCEPT. (WE NOTE THAT EVEN THE WORDS HERE TAKE ON SPECIAL MEANING, SINCE A "TRANSFERENCE" IS VIEWED AS IRREVOCABLE, WHILE A "DELEGATION" IS SEEN TO BE REVERSIBLE, AND IN SOME CASES THE BASQUES HAVE INSISTED ON "TRANSFERENCES" -HILE THE GOVT HAS BEEN EQUALLY INSISTENT ON A "DELEGATION.") THE CONTINUING TENSIONS IN AND VOLATILITY OF LIMITED OFFICIAL USE

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THE BASQUE REGION WILL CONDITION THESE TALKS, BUT WITH CROSS-CUTTING EFFECT. WHILE TENDING TO HARDEN POSITIONS, PARTICULARLY THAT OF THE PNV, THE CURRENT BASQUE SITUATION ALSO HAS DRAMATICALLY DEMONSTRATED WHAT ULTIMATELY IS AT STAKE HERE. CONSEQUENTLY, THESE MOST RECENT TROUBLES ALSO MAY MAKE A BREAKTHROUGH EASIER. MUCH WILL DEPEND ON THE ABILITY OF THE GOVT AND THE MAJOR PARTIES TO MAKE WHAT THE PNV PERCEIVES TO BE -- OR AT LEAST CAN PRESENT AS -- MEANINGFUL CONCESSIONS, WITHOUT IN THE PROCESS LEAVING A TROUBLESOME CONSTITUTIONAL LOOSE END DANGLING, OR RAISING CRIES OF ALARM ON THE RIGHT THAT THE DOOR HAS BEEN LEFT OPEN TO THE DISINTEGRATION OF THE SPANISH STATE. TODMAN

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